

MINUTES OF SELECTMEN'S MEETING AUGUST 26, 2014

Chairman Smith called the meeting to order in the Senior Center at 6 PM with Mrs. Walter and Mr. Hevy also present. Mr. Smith reminded those in attendance that the meeting would be both audio and video taped.

I. APPROVAL OF MINUTES OF AUGUST 12, 2014

Mrs. Walter moved, and Mr. Hevy seconded, a motion to approve the aforementioned minutes as written. So voted.

APPROVAL OF MINUTES OF AUGUST 15, 2014

Mrs. Walter moved, and Mr. Hevy seconded, a motion to approve the aforementioned minutes as written. So voted.

IA. APPROVAL OF SCHOOL WARRANT #1010 FOR \$190,143.05 APPROVAL OF GENERAL WARRANT #1011 FOR \$223,415.81 APPROVAL OF PAYROLL WARRANT #4 FOR \$205,349.76

Mrs. Walter moved, and Mr. Hevy seconded, a motion to approve the aforementioned warrants. So voted.

II. OLD BUSINESS

A. DECISION ON TRANSFER OF NORTH BROOKFIELD CHARTER CABLE TV FRANCHISE TO COMCAST

Mr. Smith noted that two weeks ago the Selectmen held a public hearing on the request to transfer the North Brookfield cable franchise license from Charter Communications to Comcast Corporation. The Selectmen are only able to consider four points in approving or disproving the transfer: 1. Management experience; 2. Technical expertise; 3. Financial capability; and 4. Legal ability to operate a cable system under the existing franchise.

Mr. Hevy stated that he was able to review the last meeting when this was discussed, and he understands the concerns of the residents who spoke. But based on the four criteria listed above, there is not enough evidence that Comcast will not be able to properly operate the franchise.

Mr. Smith read this "Consent to Assignment and Change of Control" document into the record:

CONSENT TO ASSIGNMENT AND CHANGE OF CONTROL

WHEREAS, Charter Communications Entertainment I, LLC (the "Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the Town of North Brookfield, MA (the "Franchise Authority") and to operate and maintain a cable television system therein; and

WHEREAS, Charter Communications, Inc. ("Charter") is the ultimate parent company of Franchisee; and

WHEREAS, on April 25, 2014, Charter and Comcast Corporation ("Comcast") entered into the Comcast/Charter Transactions Agreement (the "Agreement"), pursuant to which the Franchisee, through a restructuring under Charter's ownership, will become CCO Transfers, LLC ("New Franchisee") and immediately thereafter will become a wholly-owned subsidiary of Comcast (the "Transaction"); and

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction.
3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the pro forma assignment of the Franchisee and change of control of the New Franchisee to Comcast has been duly and validly taken.
4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes

of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.

5. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.
6. This Resolution shall be deemed effective upon adoption.
7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Comcast.

Mrs. Walter moved, and Mr. Hevy seconded, a motion to approve and sign the Consent to Transfer. So voted.

B. CONTINUATION OF HEARING ON PROPOSED TRANSFER OF 39 GROVE STREET ALCOHOL LICENSE

Mr. Smith reconvened the public hearing on the request of Shree Sai Corporation to transfer the liquor license at 39 Grove Street currently held by Tracey Butler, dba Bob's Deli and Variety. In addition, approval is being sought for alteration of the premises, pledge of the license, and pledge of the inventory. The hearing was begun two weeks ago, but was continued because of confusion about the description of the premises and the proposed alterations.

Attorney Thomas Demakis was again present to ask the Selectmen to approve the four transactions. Attorney Demakis noted that the owners of the property, Mr. and Mrs. Miner, have purchased the adjacent restaurant business from the previous operator. He noted that his clients, Shree Sai Corporation, will terminate the deal if the expansion of the property is not allowed. The only way that Mr. and Mrs. Miner can get their money out of the property and retire is if this deal goes through.

Attorney Demakis stated that allowing this transfer will benefit the Town because his clients intend to completely renovate. The fact that there is a park across the street will not affect the amount of alcohol to be sold. The park has been there for the entire 26 years that the Miners have owned the building. The only violation, if it can even be called a violation, occurred when a minor stole alcohol from the store. His clients need this license approval tonight in order to proceed with the deal.

Tracey Butler, current holder of the alcohol license, said that she would appreciate the transfer of the license. She and her husband have been running the business for 15 years and are burned out.

Mr. Smith noted that two weeks ago the hearing went off track because of the request to alter the premises. At that time Attorney Demakis admitted that the plans for the

location were not made clear in the application paperwork that was submitted. The Selectmen were forced to suspend the hearing in order to consult with legal counsel. Attorney Demakis agreed that he was confused two weeks ago.

Town Counsel Brian Riley explained that Massachusetts licensing statutes state that the license may be pledged, but it must be approved by the Town and also by the Alcoholic Beverages Control Commission (ABCC). This does not limit the ability of the Town to control the license.

Mrs. Walter asked about the proportion of food items to alcohol. Mr. Patel of Shree Sai Corporation stated that it might be in the 75/25 or 70/30 range due to the fact that Hannaford Supermarket is right down the street. He said that his family operates their other businesses without any problem, and said that they would do their best to make the Town proud.

Mr. Hevy asked what defines a package store, and Attorney Riley stated that the alcohol is purchased and then consumed off premises, as opposed to a restaurant license where the alcohol is purchased and consumed on the premises.

Mrs. Walter moved, and Mr. Hevy seconded, a motion that the Board approve the application of licensee Tracey A. Butler dba Bob's Deli and Variety for transfer of the off-premises alcoholic beverages license, #083600012, to Shree Sai Corporation. So voted.

Mrs. Walter moved, and Mr. Hevy seconded, a motion that the Board approve the application of Shree Sai Corporation for pledge of the alcoholic beverages license, #083600012, corporate stock and inventory for loans pursuant to G.L.c.138, §15A and §23. So voted.

Mrs. Walter moved, and Mr. Hevy seconded, a motion that the Board approve the application of Shree Sai Corporation for alteration of the licensed premises in accordance with the floor plan filed with the application; provided that, upon approval of the transfer of license to Shree Sai Corporation by the ABCC, the Board shall issue the license only upon completion of 37-39 Grove Street according to the submitted floor plan, such completion and compliance with applicable Town by-laws being approved by the Town Building Inspector. So voted.

C. PROJECT UPDATES

a. Murphy Road Bridge

Mrs. Walter noted that there is a scheduling problem with this project due to the limitations placed on working on or near waterways during certain times of the year. The project is currently in the design stage.

b. CDGB Storm Water Infrastructure Project

Mrs. Walter reported that the engineering firm of Fay, Spofford and Thorndyke has finished their preliminary infrastructure survey. They were able to include some areas on the west side of Town where drainage is a problem.

c. Progress is being made on a website for the Friends of the Town House

d. The final project audit has been received from MSBA for the school windows project. The entire project was done for less than \$500,000.00

III. NEW BUSINESS

A. CMRPC PRIORITY DEVELOPMENT AREA STUDY

Mrs. Walter explained that Central Massachusetts Regional Planning Commission (CMRPC) is doing Priority Development Area (PDA) studies at no cost to the Town using DTLA funds. CMRPC will do 25 hours of work on the study. She read from an e-mail explaining the process. (Attachment #1) Mrs. Walter suggested that we have CMRPC study an area of the downtown from Spring Street to Maple Street and Grove Street to Union Street.

Mr. Smith noted that it does not cost anything to participate and we may learn something in the process. Mr. Hevy agreed.

Mrs. Walter moved, and Mr. Hevy seconded, a motion to participate in the PDA study of the Central Business District, defined for this purpose as the area from Spring to Maple Streets and Grove to Union Streets, with emphasis on the Town House. So voted.

B. TOWN HOUSE SPECIFICATIONS FOR REPAIRS TO BUILT-IN GUTTERS

Mr. Hevy presented some research that he had done regarding the need to repair the gutters on the Town House. (Attachment #2) He has come up with many more questions that need to be answered about the project, and stated that further research is necessary.

Mr. Smith noted that when the Selectmen met on August 15th to go over Jeff Samuelson's quote to repair the gutters it was determined that his quote of \$5,000.00 would require an abbreviated bid process whereby the Town would get three quotes for the work.

Mrs. Walter stated that her appreciation of the situation is that Mr. Samuelson intended to try to stop the water infiltration in the building. However, it seems that this is a much more complicated situation.

Mr. Smith stated that he would like Mr. Hevy to continue his research, and perhaps contact Architect Dan Benoit or Paul Holtz from Massachusetts Historical Commission for their guidance.

C. FORM CABLE TV ADVISORY COMMITTEE

Mr. Smith noted that one of the things that came out of the Charter/Comcast public hearing two weeks ago was the need to reestablish the Cable Advisory Committee. This committee would advise the Selectmen during the cable renewal process in 2015, and would act as an intermediary for any cable related issues. Mr. Smith moved, and Mrs. Walter seconded, a motion to establish the Cable Advisory Committee, consisting of five members appointed by the Board of Selectmen, with representatives from the Finance Committee and the Local Public Access Channels serving as ex-officio members. So voted.

D. TOWN HOUSE 150TH ANNIVERSARY CELEBRATION

Mr. Hevy read an announcement from Brandon Avery and the Friends of the Town House 150th Anniversary Committee that there will be a Block Party on Main Street in front of the building on Saturday, September 20th between 1 PM and 5 PM. More information will be forthcoming.

E. ONE DAY ALCOHOL LICENSE FOR ST. JOSEPH CHURCH RAFFLE

The Selectmen reviewed an application for a Charity Wine License for St. Joseph Church on September 6th and 7th. (Attachment #3) Mrs. Walter moved, and Mr. Hevy seconded, a motion to approve the license, pending final approval by the ABCC. So voted.

F. JULY POLICE REPORT

Mr. Smith reviewed the police report for the month of July as submitted by Chief Aram Thomasian, Jr. (Available in the Selectmen's office) The Chief reported 25 incidents and 17 arrest/summons for the month. Mrs. Walter moved, and Mr. Hevy seconded, a motion to accept the report. So voted.

IV. ANNOUNCEMENTS

A. REGIONAL HAZARDOUS WASTE DAY WILL BE HELD ON SATURDAY, SEPTEMBER 27TH FROM 9 AM TO NOON

Mr. Smith announced that the Board of Health will be holding a Hazardous Waste Day on Saturday, September 27th from 9 AM to noon. More information will be forthcoming.

B. NORTH BROOKFIELD ADULT EDUCATION CLASSES TO BEGIN THE WEEK OF SEPTEMBER 29TH.

Mr. Smith announced that the North Brookfield Public Schools will be offering several Adult Education classes beginning the week of September 19th. A complete listing of courses is available at the Town Offices and the Haston Library.

C. ANNOUNCEMENT FROM CHARTER COMMUNICATIONS RE; INCREASE IN BROADCAST TV SURCHARGE

Mr. Smith reviewed a letter from Charter Communications noting that due to rising programming costs the Broadcast TV Surcharge will be increased from \$3.50 per month to \$5.00.

V. FUTURE AGENDA ITEMS

A. TECO-BLOC TIF

B. REQUEST FOR TOWN HOUSE PLANS FROM KAFFE KANG

C. MR. SMITH REQUESTED THAT THE BOARD BEGIN DISCUSSION ON THE PROCESS OF REPLACING THE POLICE CHIEF WHEN HE RETIRES NEXT YEAR.

D. BEAVER PROBLEMS

E. TOWN HOUSE GUTTERS AND 150TH ANNIVERSARY CELEBRATION

F. SCHOOL ENROLLMENT NUMBERS WILL BE AVAILABLE OCT 1ST

G. FINANCE COMMITTEE RECOMMENDATION RE: TOWN MANAGER

H. SOLTERRA AGREEMENT

The Board discussed the need to reschedule the September 9th meeting due to the State Primary Election. It was agreed to hold the meeting on Monday, September 8th at 5:30 PM. There being no further business, at 7:50 PM Mrs. Walter moved, and Mr. Hevy seconded, a motion to adjourn. So voted.

Respectfully submitted,

Leslie Scott Burton
Administrative Assistant

